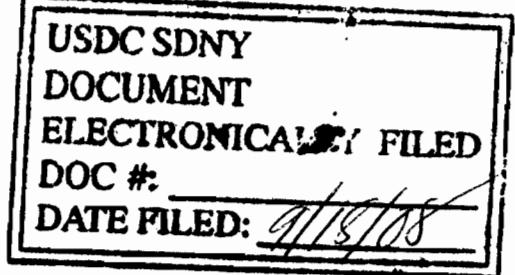


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION

X

Master File No. 1:00-1898  
MDL 1358 (SAS), M21-88

This document relates to:

*City of Mishawaka v. Amerada Hess Corporation, et al.*  
Case No. 04-CV-02055

X

**ORDER OF DISMISSAL WITH  
PREJUDICE**

The Plaintiff and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement<sup>1</sup>, and Plaintiffs has now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

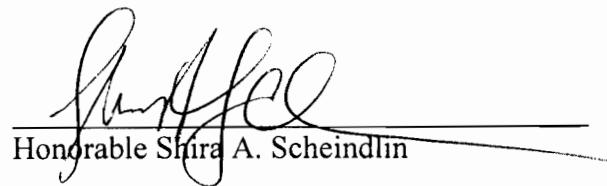
1. The Plaintiff and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

<sup>1</sup> The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

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3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:



Honorable Shira A. Scheindlin

## EXHIBIT A

The Settling Defendants below are named defendants in the case of *City of Mishawaka v. Amerada Hess Corporation, et al.* Case No. 04-CV-02055 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Ashland, Inc.
2. Atlantic Richfield Company (individually and doing business as ARCO Products Company, formerly known as ARCO Petroleum Co. and also known as ARCO)
3. BP Amoco Chemical Company (individually and formerly known as Amoco Chemical Company)
4. BP Products North America, Inc., individually and as successor-by-merger to Amoco Oil Company and BP Exploration and Oil Inc. (successor-by-merger to BP North America, Inc.)
5. ChevronTexaco Corporation (individually and as successor-in-interest to Chevron Corporation and as successor-in-interest to Texaco, Inc. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corporation (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
6. CITGO Petroleum Corporation
7. CITGO Refining and Chemicals Company, LP
8. Coastal Eagle Point Oil Company
9. Coastal Oil New England
10. Colorado Refining Company
11. ConocoPhillips Company (individually and as successor-in-interest to Conoco Inc. and Phillips Petroleum Company, and d/b/a Phillips 66 Company)
12. El Paso Merchant Energy-Petroleum Company (individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc.)
13. Equilon Enterprises, LLC (individually and also known as Shell Oil Products US)
14. Flint Hills Resources, LP (f/k/a Koch Petroleum Group, LP)
15. Lyondell-CITGO Refining, LP
16. Marathon Ashland Petroleum, LLC
17. Marathon Oil Company (individually and formerly known as USX Corporation (f/k/a United States Steel Corporation)
18. Motiva Enterprises, LLC (individually and formerly known as Star Enterprises LLC)
19. PDV Midwest Refining, LLC
20. The Premcor Refining Group, Inc. (individually and formerly known as Clark Refining)
21. Shell Oil Company
22. Shell Oil Products Company
23. Shell Oil Products Company, LLC
24. Shell Petroleum, Inc.
25. Shell Trading (US) Company (individually and formerly known as Equiva Trading Company and also known as STUSCO)
26. Sunoco, Inc. (individually and formerly known as Sun Oil Company and formerly known as Sun Company, Inc.)
27. Sunoco, Inc. (R&M) (individually and formerly known as Sun Refining and Marketing Company and formerly known as Sun Company, Inc. (R&M)
28. Texaco, Inc.

29. Texaco Refining and Marketing, Inc. (a/k/a TRMI Holdings)
30. Tosco Corporation (individually and also known as Tosco Refining Company and also known as Tosco Marketing Company)
31. TPI Petroleum, Inc.
32. Union Oil Company of California (d/b/a Unocal)
33. Unocal Corporation (individually and formerly known as Union Oil Company of California)
34. Valero Energy Corporation
35. Valero Marketing and Supply Company
36. Valero Refining Company
37. Valero Refining and Marketing Company